

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 79

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HAROLD A. McMASTER,
NORMAN C. NITSCHKE,
DEXTER H. McMASTER and
RONALD A. McMASTER

MAILED

FEB 27 2002

Appeal No. 2002-0069
Application 08/655,853

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

ORDER REMANDING TO EXAMINER

On December 17, 2001, applicants filed a Reply Brief (Paper No. 78). The record does not contain a response from the examiner stating whether the Reply Brief has been entered, and if entered, what effect the Reply Brief has on the pending rejections. See Section 1208.03 of the Manual of Patent Examining Procedure (MPEP) (8th Ed., Aug. 2001), which states:

The primary examiner must then either: (A) acknowledge receipt and entry of the reply brief by using form paragraph 12.47 on form PTOL-90; or (B) reopen prosecution to respond to the reply brief. See MPEP § 1208.02.

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Accordingly, it is

ORDERED that the application is remanded to the examiner for proper response to the Rely Brief (Paper No. 78) and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

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